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CPS

A Joint Protocol To Reduce the Prosecution of Looked After Children

July 2007

1. INTRODUCTION

This document is based upon the good practice already in place across Staffordshire to meet the needs of Looked After Children within residential units and foster placements. This includes the contribution of staff from the County Council, the Crown Prosecution Service and Police, as well as foster carers and independent residential units. This protocol has been designed to reinforce and extend such practice and to contribute to a culture of continuous improvement.

It is anticipated that the standards and guidance contained within the protocol will act as a framework for ensuring best practice in dealing with Looked After Children across the county.

The protocol aims to strike a balance between the rights and needs of the children and young people the rights of staff and foster carers and the decision to instigate police action.

The protocol underlines the importance of regular and effective liaison between care staff and managers, the social worker and managers, the Youth Offending Service, local NPU Inspectors, Community Beat Officers, and Youth Specialist Prosecutors.

Whilst all staff and foster carers working with Looked After Children have a duty to report known or suspected crimes to the police, they will need to use their judgement about where the threshold lies, particularly if the information to hand is slight and the crime, or suspected crime, is of a minor nature.

The fact that staff or carers report an incident does not mean that the police will follow pre-determined course of action or in some cases any action at all. Wherever possible, as defined in this protocol, the action to be taken will be determined following discussions by all concerned, including the young person, about the most appropriate response.

2. REQUIREMENT FOR POLICE INVOLVEMENT

Staff and carers need to consider the nature and seriousness of the incident before deciding whether to involve the police immediately, at a later stage, or whether to involve them at all, but all matters should be entered in an incident log for residential children's homes, and in the incident log file for foster carers. It is crucial that communication between residential home staff, foster carers and the police regarding an incident is clear and factual.

The following situations are the most common ones in children's homes where police involvement might be requested:

2.1 Violence by a child or young person on another.

These are incidents between residents within the home range from minor disagreements through to serious assaults where physical injury is caused. Such incidents can be complicated by having two vulnerable parties. Residential staff and foster carers will need to ensure that health and safety reporting procedures are followed.

Attendant factors for this category of offences are listed below and this list does not reflect any order of priority:

- Wishes of the victim
- Severity of the injury sustained/nature of threat received by the victim
- Probability of a repeat incident
- Previous relationship between victim and offender
- Potential impact on the child/young person following formal police involvement
- Effectiveness of police action/court proceedings
- Future best interests of both parties
- Message sent to other young people
- Availability of alternative causes of action, e.g. restorative approaches with the consent of the victim
- Previous behaviour or offending, bullying/peer pressure/duress

2.2 Violence to staff or foster carers by a child or young person

Violence towards staff members or carers can vary from verbal threats to physical acts amounting to assault. Whilst each home and placement has the responsibility of care towards the young people their welfare needs to be balanced with the rights of staff and carers not to be subjected to violence in the course of their duties.

Such incidents are affected by factors similar to those listed above, and staff and carers should be encouraged to report any incidents that cannot be dealt with through alternative means. Where there is no immediate continuing threat of violence it is in the best interests of the staff member or carer to take time to discuss and consider possible options.

This can include a referral to the Youth Offending Service which will give consideration to the necessary intervention. This however, does not remove the individual's right to involve the police. Following such incidents it is important that staff and carers utilise standard de-briefing processes.

Staff and carers should also ensure risk assessments are updated or completed in relation to the risk of violence or injury to themselves or colleagues. A professionals meeting could be a useful method by which to assess these risks and look at ways this risk could be reduced.

2.3 Criminal Damage within the Home or Placement

The majority of criminal incidents involving Police relate to damage to the children's home or placement. It is important to see these in the context of the needs of the child and whether involving the police is an effective and proportionate response. Factors to consider are listed and the list does not reflect any order of priority:

- Level/value of damage caused
- Previous incidents of a similar nature by the same child or young person
- Suitability or effectiveness of police involvement
- Impact of police involvement of the child's overall care plan
- Message sent to other young people if applicable
- Availability of alternative courses of action, for example referral to the Youth Offending Service.

2.4 Theft within the Home or Placement

Most offences of theft within the home or placement are likely to be of low value, but the possible start of criminal behaviour, although it should be emphasised that value is a subjective issue relative to the victim. Factors to be considered include (this list does not reflect any order of priority):

- Wishes of the victim
- Nature and seriousness of the allegation
- Requirement for formal investigation, e.g. insurance claim requires a crime reference report
- Availability of alternative courses of action, e.g. restorative approaches

2.5 Criminal Damage to Staff or Carers' Cars or Property

Factors for consideration should be similar to those at 2.3 listed above, and again this list does not reflect any order of priority:

- Nature and seriousness of the allegation
- Requirement for formal investigation, e.g. insurance claim
- Wishes and best interest of the victim
- Availability of alternative courses of action, e.g. restorative approaches

2.6 Disorder in or around the Home or Placement

The area of disorder is subjective and requires judgement by staff to avoid unnecessary police involvement for minor infringements of discipline. The main factors that should be considered are:-

- Nature and seriousness of the disorder
- Risk or threat of violence
- The wishes of and impact on the immediate community
- The availability of alternative courses of action

2.7 Trespass within and around Home or Placement

All incidents of trespass by persons unknown should be reported to the police as visits/trespass by outside associates of residents can be dealt with effectively under the Harassment Act, which will protect young people and staff/carers.

2.8 Substance Misuse

2.8.1 Reducing the risk of drug taking

The misuse of controlled drugs within a community home or placement is a serious issue and it is essential that the response is prompt and effective. In response to incidents staff and carers will be guided by the Government Tackling Drugs Strategy, which has four main aims:

- Help young people to resist drugs use in order to achieve their full potential in society.
- Reduce the acceptability and availability of alcohol and other drugs to young people.
- Minimise the health risks and other damage associated with substance use by young people.
- Increase the safety of communities from drug related crime.

Residential Staff or carers will need to balance these principles with their duty of care for the young people in the home or placement and their role in managing young people's behaviour as part of their care responsibilities as well as their responsibilities to the wider community.

2.8.2 The discovery of drugs on within the placement setting

Residential care staff must read this protocol in conjunction with the National Minimum Standards, with particular attention being paid to the section on drugs.

Residential staff and carers must inform the police immediately if it is established that a young person is using illegal substances or illegal substances are found on the premises. It is important that all action taken is recorded.

All materials must be removed from the young person. Drugs and drug related material must be stored securely before handing to the police. These must **NOT** be disposed of by staff or carers.

These can be handed over for disposal without identifying the name of the young person and no further police action will be undertaken. The signature of the police officer removing the material must be obtained. However, repeated incidents of removal of illegal substances from the same young person may require positive police action thus protecting the young person and other young people, as well as staff/carers.

In the removal and storage of illegal substances appropriate storage containers must be used.

A record of the removal must be kept by staff or carers, which includes:

- The name of the person removing the material
- Description of the material
- The circumstances of the removal
- The time and date of the removal
- The time and date the material was placed in a secure storage
- The signature of the person putting the article into storage, countersigned by a second member of staff
- The time and date of notification to the police and the message number notified by the police control room
- The time and date the material was removed by the police

To ensure that controlled substances are not stored in the children's home or placement any longer than necessary it is important that every effort is made to ensure that the police attend at the earliest possible time. Staff and carers must first contact the local police control room to arrange for the Community Beat Officer to attend the home placement.

This route helps for the recording of the request on the Police Command and Control System generating a message number for the benefit of the residential staff or carers. If this officer is not available then arrangements should be made for another officer to attend.

The officer attending is then responsible for recovering the suspected controlled substances into police possession and, if appropriate, conducting any subsequent investigation in line with existing police policy.

Alcohol and canisters can be disposed of by staff or carers. It is important that the disposal is witnessed and a record kept which includes:

- Name of the person removing the material
- Description of the material
- The circumstances of the removal
- The time and date of the removal
- The time and date and means of disposal

2.9 Unauthorised Absence/Missing Persons

The potential risk to any children whose whereabouts are unknown requires immediate assessment. Only where the risk assessment identifies the child as 'missing' or 'absconded' should notification be made to the Police. In all other cases the child's status should be referred to as one of 'unauthorised absence.'

Children who fall within the category of 'unauthorised absence' must be the subject of continuous risk assessment whilst they remain absent. During their

absence circumstances may change and involved professionals need to be in a position to respond accordingly.

Whoever first discovers that a child has absented him/herself without permission from their placement must inform the senior member of staff on duty. If a child is absent from a foster home, the relevant social worker, or Team Manager (or if out of hours the Emergency Duty Service) must be informed by the carers.

The senior member of staff will determine whether the child's absence falls within the 'missing' category or the 'unauthorised absence' category.

For children in residential homes this is the senior member of staff from the home, for children in foster care the social worker may make the assessment, in consultation with the carers. The assessment should be approved by the Team Manager. In making this assessment the following factors should be taken into account:

- Vulnerability due to age of person.
- Person considered, due to various reasons, to be particularly vulnerable (e.g. learning/physical disability, on C.P Register).
- Person in need of regular medication (e.g. diabetic.)
- Previous history of person (e.g. previously missing, previous self harm).
- Circumstances (e.g. debts, divorce, family problems, employment concerns, possible involvement in crime).
- Health, including mental health.
- Weather (e.g. severe cold or heat), or geography (e.g. remote area).
- Possessions and/or money (or lack of them) believed to be in the missing person's possession giving cause for concern.
- Dependency on drugs and/or alcohol.
- Known vulnerability of the missing person, raising concern that they may have been led into danger, including sexual exploitation.
- Known associates of missing person that give rise to heightened concerns over the missing person's safety (e.g. associates known to be involved in criminal activities).
- Length of time the person has been missing.
- Is the person perceived to be running to someone or from a situation?
- Degree of risk to the public.
- Recent significant events, contributory factors and the child's state of mind at the time of the absence.
- Time of day/night.
- Possible location of the child/young person.
- Other information specific to the child.
- Legal status
- Any guidance agreed within the child's Care Plan.

Decisions and reasoning from this assessment should be recorded on the child's case file.

Professionals involved should be aware of dismissing multiple incidents of missing from care by a young person, thereby labelling the child and failing to analyse the underlying cause for the child going missing.

Where a child or young person persistently goes missing, perhaps with other young people from the same placement, then the social worker's child should (in partnership with the manager responsible for the children's home/ foster link worker) convene a meeting to consider strategies for managing missing episodes.

In relation to missing persons and absconders, professional should refer to their current policies. All missing and absconding persons should be spoken to on their return, to offer an opportunity to talk to an 'independent person' regarding the circumstances which led to them going missing or absconding.

An 'independent person' should have no formal links to the placement, nor should they be related to any member of staff within the placement or its line management. Where appropriate the 'independent person' could be a Police Officer.

2.10 Hate Crime (Racist, Religion, Homophobic, Gender, Disability)

The following guidelines should be adhered to, having regard for the recommendations of the Macpherson report following the death of Stephen Lawrence:

- All possible steps should be taken by the police at local level, in consultation with local government and other agencies to encourage the reporting of racist incidents in crimes.
- It is important that the agency that receives reports of racist incidents is well equipped to deal with them and no one should be given the task without adequate training.
- It should be made clear that all behaviour policies held within Homes should cover the areas as indicated as hate crime and it be made clear how staff, carers and residents should deal with it. Homes and placements should themselves handle low level daily occurrences and their management of this aspect of discipline should be subject to inspection.
- A multi-agency approach to such incidents can ensure that help is provided to victims of these incidents providing them with a range of options for reporting and ensuring that the young person is sufficiently supported.
- When dealing with the incidents outlined at Hate Crime in relation to racist incidents, whether or not the incident amounts to a crime, the person reporting should be asked to consent to the disclosure of this information to other agencies for the sole purpose of prevention or detection.

In the recording of racist incidents the minimum data content required should be as follows:-

- Reported to: (The person receiving the report such as Registered Manager, Unit staff , Police Officer)
- At: (Location reported at): (i.e. Home, Police Station, etc)

- Referred by: (the Agency or other person referring the victim to the Police if the incident is being referred)
- Time and date of report and nature of incident.

2.11 Information Exchange

The setting out of arrangements for information sharing and disclosure in line with the provisions of Data Protection Act and Crime and Disorder Act Section 115 (see guidance at Appendix A).

3. Categories of Response

It is recognised that caring for, and managing young people with difficult or challenging behaviour is an integral feature of residential care work. Residential Unit staff and foster carers will generally manage problematic situations except where they are so severe that immediate police involvement is essential in order to avoid physical assault or damage. The Protocol identifies three categories.

- Serious
- Not serious
- Internal

A flow diagram is listed as Appendix B.

3.1 Serious Incidents

Incidents of violence requiring an immediate police response where children/young persons or staff are:

- At risk of immediate serious physical harm
- Where there is a risk of substantial damage to property, or
- Risk of significant disorder with the home or placement.

In such situations the senior member of staff on duty should contact the police using the 999 system. Foster carers should also use the 999 system in these situations and contact the Emergency Duty Service for further support.

3.2 Not Serious Incidents

An incident where no immediate police response is required for example where assaults or damage has occurred and there is no risk of reoccurrence/significant harm to people, or incidents of theft. The incidents should be reported to the Registered Manager who then has the responsibility of identifying the appropriate course of action. In addition staff within the home should inform the child/young person's Social Worker at the first opportunity.

It is important to avoid any unnecessary reporting of incidents to the police. Should the Registered Manager decide and/or the victim wishes that formal police involvement is necessary, where possible this should be through the Community Beat Officer, during a liaison meeting held every four weeks.

When a situation involving a child or young person is to be discussed at the Liaison Meeting the child's Social Worker should be informed and they may wish to join the discussion.

If the discussion needs to be held sooner the Registered Manager should arrange for the Community Beat Officer to visit the home as soon as possible. If this officer is unavailable the Manager should contact the Police Control Room to request a delay or scheduled response visit by another Community Beat Officer.

In certain circumstances preservation of evidence may be an issue and residential staff will need to ensure that reasonable steps are taken to retain articles relevant to any criminal allegation or police investigation.

A referral to the Youth Crime Prevention Panel for the area should be considered for those cases considered not serious or internal.

3.3 Liaison

Police involvement should be on a risk assessment basis. If there is no risk, then the involvement will be with unit Managers or at a low level of involvement.

The **primary** police involvement in children's homes should be through the Community Beat Officer, meeting staff on a regular basis. Whilst some officers may already perform this duty it must be emphasised that a good working relationship is the most effective way to respond to young people with difficulties, and it is in this area that consideration should be given for joint agency training.

A regular liaison meeting ideally on a four weekly basis between the Community Beat Officer and Registered Manager would provide for discussion of not serious incidents within the home to identify the appropriate method of resolution, including:-

- Internal action by Residential Staff with no police involvement
- Formal police investigation primarily by the Community Beat Officer and any resulting action

This liaison meeting will also provide an opportunity to share more general views and co-operation and develop a better understanding of each Agencies responsibilities and practices.

It is not the intention of this Protocol to restrict the options available to Residential Staff and Community Beat Officers but to emphasise the importance of flexibility in determining the most suitable option for dealing with

children and young persons. Additional advice and support could be sought from the child's social worker.

3.4 Internal Incidents

It is anticipated that relatively minor incidents will be addressed by using routine internal policies and procedures.

As stated a referral to the Youth Crime Prevention Panel for the area should be considered.

4. Recording of Incidents

4.1 Recording of Incidents

By residential staff

It is necessary for incidents within children's homes to be accurately recorded so as to provide informed histories on the children and young persons looked after, assisting with assessments and liaison meetings.

All incidents must be recorded in the personal file of each young person and entered in the Home's Day Book/ Incident Log. Risk assessments should be reviewed. This provision also applies to incidents discussed at the regular liaison with the Community Beat Officer.

By foster carers

It is necessary for incidents within foster care placements to be accurately recorded so as to provide informed histories on the children and young persons looked after, assisting with assessments and liaison meetings.

All incidents must be recorded in the ring binders of each young person and reported to the family placement social worker and the child's social worker. Risk assessments should be reviewed.

4.2 Whether to Record (Police)

All incidents reported to the Police, whether from victims, witnesses or third parties and whether crime related or not, will result in the registration of and incident report by the police.

Incidents which come to the attention of the Police via third parties, i.e. professional meetings, need not be recorded as a crime, if there is no realistic chance of the incident being resourced or investigated. However, a crime related incident should be recorded outlining all facts and should include that the report has been received via a third party and that the police are taking no action.

An example of this would be where the care homes through the unit meetings with the Community Beat Officer, makes the Officer aware of incidents having occurred, but a decision is made not to proceed with a Police investigation

then there is no necessity to record the incident as a crime. It is strongly emphasised that this refers only to non serious incidents, which are recorded internally at the home but not reported to the police at source.

Where an incident is reported to the Police directly via the Area Control Room, Public Service Desk or attending officer then the Force Policy for recording of incidents and crimes should be adhered to.

4.3 When to Record (Police)

A crime should be recorded as soon as the decision to record has been made (or as soon as possible afterwards).

To ensure compliance with the counting rules, offences which come to the notice of the Police through involvement in children's homes, must be recorded, unless the criteria as stated above applies.

It is important to remember that each children's home has the responsibility of care towards the resident young persons with their welfare interests being paramount. Each home must have a written behaviour management policy that sets out the measure of control, restraint and discipline which may be used in the children's home, and the means whereby appropriate behaviour is to be promoted in the home. Each home should have a clear written policy, procedures and guidance for staff based on a code of conduct that sets out control, discipline and restraint measures that are permitted and must reinforce positive measures to children for the achievement of acceptable behaviour. The consequences of unacceptable behaviour should be clear to staff and children, and must be appropriate to the age, understanding and individual needs of the child. Therefore, the requirement to record offences should be considered in conjunction with the desire to **avoid unnecessary criminalisation of young people who are looked after by the Local Authority.**

4.4 Recording of serious incidents by the Police

Given the immediate response aspect of this category, offences which come to the notice of attending officers would be of such a nature as to **require recording** unless there were exceptional extenuating circumstances.

4.5 Recording of Not Serious Incidents by the Police

Not serious incidents reported to the Registered Manager which are considered serious enough to warrant police investigation prior to the scheduled Liaison Meeting may be recorded as crimes provided they meet the Home Office recording criteria.

Incidents which are discussed by the Community Beat Officer and Registered Manager at the scheduled Liaison Meeting need not be created as a crime related incident if the matter is being dealt with by the Registered Manager or other agency and in line with this protocol.

Following the Liaison Meeting incidents that are considered suitable for internal resolution by residential staff or other agency shall not be recorded as crimes by the police. However, the Registered Manager should record full details and decisions within the Unit register.

5. Prosecution of Incidents by Crown Prosecution Service

5.1. Offending Behaviour in Children's Homes.

The decision to prosecute Looked After Children for offences committed within a placement is a major decision and should be taken by a youth specialist.

The guidance referred to in the foreword should be considered in conjunction with the code for Crown Prosecutors, CPS Policies Statements and legal guidance.

The Police are more likely to be called to a children's home than a domestic setting to deal with an incident of offending behaviour by an adolescent. The Crown Prosecution Service should bear this in mind when dealing with incidents that take place in a children's home.

It is important that all people feel safe in the place that they live, whether that is in a family home or a children's home, and have confidence in the criminal justice system to intervene and protect them where it is necessary.

A criminal justice disposal, whether a prosecution, reprimand, or warning, should not be regarded as an automatic response to offending behaviour by a looked after child, irrespective of their criminal history. This applies equally to a persistent offender and adolescents of good character. A criminal justice disposal will only be appropriate where it is clearly required by the public interest.

Informal disposals such as a referral to the Youth Crime Prevention Panel, restorative justice conferencing, reparation, acceptable behaviour contracts and disciplinary measures by the home may be sufficient to satisfy the public interest and to reduce the risk of future offending.

5.2 Behaviour Management Policies

As referred to above each home must have a written Behaviour Management Policy that sets out the measures of control, restraint and discipline which may be used in the children's home and the means whereby appropriate behaviour is to be promoted in the home. A copy of this policy and a statement from the home setting out how the policy has been applied to the particular incident should accompany any request for advice on charging.

5.3 The Decision to Prosecute

Youth Specialists should consider all the circumstances surrounding the offence and the circumstances of the child/young person before reaching a decision, and apply all relevant CPS Policies

Factors that should be considered include:

- Disciplinary Policy of the home
- An explanation from the home regarding their decision to involve the police
- Information from the home about the recent behaviour of the child or young person including similar behaviour, any incidents in the child or young person's life which could have affected their behaviour, any history between the child/young person and the victim, any apology or reparation, history of the incident and any action taken under the disciplinary policy of the home.
- Views of the victim, including their willingness to attend court to give evidence and/or participate in a restorative justice or other diversionary programme.
- Views of the key worker, social worker, counsellor, CAHMS worker on the effect of a criminal justice intervention on the child or young person, particularly where the child or young person suffers from an illness of disorder.
- Any explanation of information about the offence from the child or young person.
- Provided the child or young person wishes it to be considered, information about the Local Authority's assessment of his/her needs and how the placement provided by the home is intended to address them

Aggravating and mitigating features should be considered when deciding on the appropriate outcome. Aggravating factors include:

- The offence is violent or induces a genuine fear of violence in the victim
- The offence is sexual
- The offence is motivated by hostility based on gender, sexuality, disability, race, religion or ethnicity of the victim
- The victim is vulnerable
- The damage or harm caused is deliberate and cannot be described as minor
- The offence forms part of a series of offences
- Informal measures have been ineffective in preventing offending behaviour

Mitigating features include:

- The damage or harm caused is at the lower end of the scale and has been put right
- Appropriate action has already been taken under the disciplinary procedure or other informal disposal
- Genuine remorse and apology to victim
- The behaviour is a symptom of a disorder or illness that cannot be controlled by medication or diet
- Isolated incident, or out of character

- The child or young person is under extreme stress or appears to have been provoked and has over-reacted

The reasons for the charging/diversion decision should be clearly recorded to show the factors that have been considered by the youth specialist to determine how the public interest is satisfied by a criminal justice disposal

6. Monitoring

To evaluate compliance with this Protocol a quarterly meeting should be held between the Police, Children’s Homes Providers, and CPS. This will be done via the Looked After Children and Crime multi-agency steering group on behalf of the partnership.

The group will also ensure that this document is reviewed on an annual basis.

Signed

Dated

Peter Traves, Corporate Director, Children and Lifelong Learning

Signed

Dated

Christopher Sims, Chief Constable, Staffordshire Police

Signed

Dated

Harry Ireland, Chief Crown Prosecutor, Crown Prosecution Service

Appendix A

THE CRIME AND DISORDER ACT 1998

CRIME & DISORDER ACT - GUIDANCE ON INFORMATION SHARING

The following guidance on information sharing between agencies under section 115 of the Crime and Disorder Act 1998 was issued in November

1998 in a joint statement by the Home Office and Data Protection Registrar:

Before public or statutory bodies can disclose information, they must first establish whether they have power to do so and/or whether they have a responsibility to do so. Once the question of power is resolved, they must carry out the disclosure in a lawful manner.

THE POWER TO DISCLOSE

The police have an important and general power at common law to disclose information for the prevention and detection of crime. Indeed, both the public and the Government expect them to use their powers and their knowledge to prevent crime and to reduce crime and disorder. There are no restrictions on the disclosure of information, which does not identify individuals.

THE CRIME AND DISORDER ACT 1998

The Act introduces a number of measures to control crime and disorder, all of which depend on close co-operation, including the proper exchange of information:

section 17: duty to prevent crime and disorder;
sections 6&7: formulating and implementing strategy;
section 39: youth offending teams;
section 1: anti-social behaviour orders;
section 2: sex offender orders;
section 15; local child curfew schemes;
section 16: contravention of child curfew notices.

Public bodies collect information, which will be central to the Act's partnership approach; but they may not previously have had power to disclose this information to the police and others. Section 115 provides that any person can lawfully disclose information 'for the purposes of the Act' to the police, local authorities, probation service or health authority (or persons acting on their behalf), even if they do not otherwise have this power.

Section 115 ensures all agencies have a power to disclose: it does not impose a requirement on them to exchange information, and so control over disclosure remains with the agency which holds the data. Information exchange, whether carried out under the power in section 115 or under any other common law or statutory power, is therefore controlled by the normal data protection regime and common law. The public rightly expects that personal information known to public bodies will be properly protected. However, the public also expects the proper sharing of information, as this can be an important weapon against crime. Agencies should, therefore, seek to share information where this would be in the public interest.

LAWFUL EXERCISE OF THE POWER TO DISCLOSE

Any disclosure of personal data must have regard to both common and statute law, for example defamation, the common law duty of confidence, and the data protection principles - unless and to the extent that any Data Protection Act exemptions apply. The principles require that such information

is obtained and processed fairly and lawfully; is only disclosed in appropriate circumstances; is accurate, relevant, and not held longer than necessary; and is kept securely.

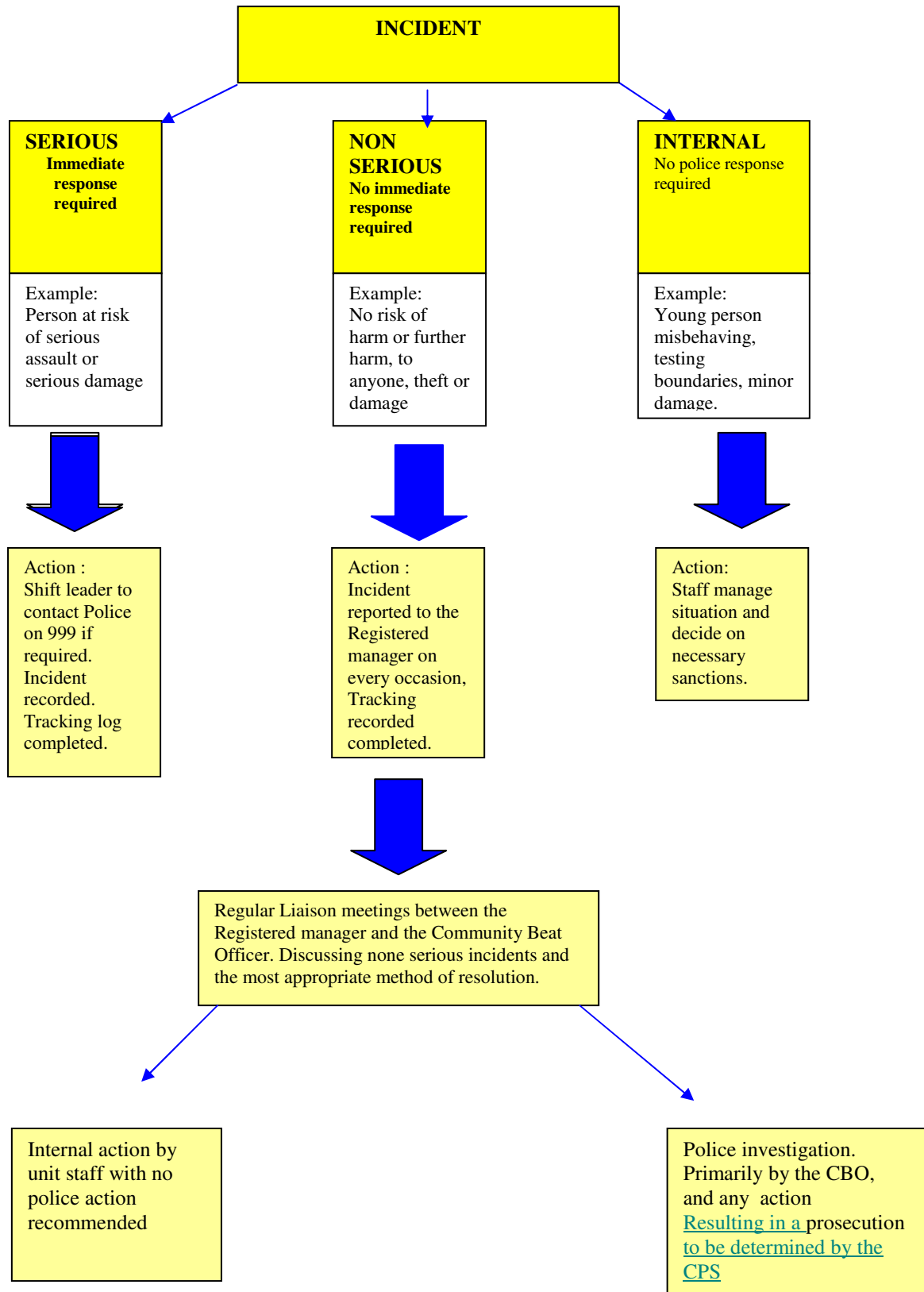
The best way of ensuring that disclosure is properly handled is to operate within information sharing protocols carefully formulated by the agencies involved. Section 115 of the Crime and Disorder Act 1998 can be used to reinforce the many and existing and successful protocols for the sharing of information for crime and disorder purposes between, for example, the police and probation service. The Home Office and the Office of the Data Protection Registrar have issued guidance on the preparation and use of protocols.

Further guidance may be obtained from the Criminal Policy Strategy Unit at the Home Office or the Compliance Manager at the Office of the Data Protection Registrar

Appendix B

Children's Homes Categories of Response

This policy must be followed when any member of staff is considering contacting the Police.



Foster Carers Categories of Response

This policy must be followed when a Foster Carer is considering contacting the Police.

